

REMARKS/ARGUMENTS

Favorable reconsideration by the Examiner is requested in light of the foregoing amendments and the remarks which follow.

Claims 3, 4 and 7-10 have been rejected under 35 U.S.C. § 112, first and second paragraphs. As to the first paragraph rejection, the Examiner contends that the specification is not enabling for applying binder to both the first layer and the second layer. As to the rejection under the second paragraph of section 112, the Examiner contends that Claims 3 and 7 are unclear. Applicant's specification at page 6 and page 7 provides clear support and enablement for the application of binder to either the first or the second layer or to both the first and second layers. Note in particular the paragraph beginning at the bottom of page 6 and continuing onto page 7. The recitation in Claim 7 is clearly supported by the description beginning in the first full paragraph on page 7. In view of the foregoing, it is submitted that the language used in Claims 3 and 7, and the claims which are dependent therefrom are both clear and definite and are fully enabled by the specification. To provide further clarity to the claims, dependent Claims 3 and 4 have been amended.

Claims 1, 5, 6, 11 and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Pedigrew U.S. Patent No. 4,675,209 in view of Pelley et al. U.S. Patent No. 5,766,388 and Raterman U.S. Patent No. 5,540,804. Claims 3, 4, 7 and 8 stand rejected as obvious from these same references, further in view of Lang U.S. Patent No. 4,715,918. Claims 9 and 10 stand rejected over the combination of Pedigrew, Pelley, Raterman and Lang and further in view of Heath et al. U.S. Patent No. 5,494,622. Claims 13-15 stand rejected over the Pedigrew reference in combination with Pelley, Raterman and Erspanner. Reconsideration and withdrawal of this rejection by the Examiner is solicited.

The Pedigrew reference describes a method which includes the steps of dispensing a melt adhesive film onto precisely defined areas of a substrate, followed by covering these areas with a powder absorbent material, and then removing excess absorbent material which did not adhere to the adhesive coated areas. Essential to the Pedigrew process is the requirement of applying adhesive to the substrate prior to application of the powder absorbent material. In a subsequent step, the absorbent material that is not adhered by the adhesive is removed.

The present invention, as defined in Claim 1 as now presented, is fundamentally different from that taught by Pedigrew. According to Claim 1, powder is applied to the first layer continuously along the longitudinal direction. Prior to applying binder to the first layer and before arranging the second layer on the powder layer and the first layer, a portion of the continuously applied powder layer is removed from the first layer, thereby producing powder layers that are separated from one another and which are arranged one after another in the longitudinal direction. Then, the method involves applying a binder to the first layer at least in strips between the separated powder layers, and directing the second layer onto the powder layer and the first layer and forming a transversely extending seal between the first and second layers along the strips of binder.

As noted above, the Pedigrew process requires the application of adhesive or binder to the substrate before the powder material is applied. Thus, the combination of steps defined in Claim 1 is fundamentally different from the Pedigrew teachings. Furthermore, it would not be obvious to modify the Pedigrew teachings to arrive at the invention defined in Claim 1. According to the Pedigrew process, the removal of powder material is dependent upon there being adhesive already present on the substrate layer. For the reasons noted, the Pedigrew reference cannot properly form the basis for an obviousness rejection.

Likewise, the secondary references that are relied upon by the Examiner, whether considered singly or in any combination, do not teach the combination of method steps of Claim 1. The Pelley reference describes a process and apparatus for depositing an absorbent material in selected areas on a substrate. There is no teaching or suggestion of the removal of a portion of the continuously applied powder in the manner defined in Claim 1, nor is there any teaching or suggestion of the application of binder between the separated powder layers in the manner defined in Claim 1. The Raterman reference also fails to teach or suggest the combination of method steps as outlined above. Likewise, neither Lang nor Heath nor Erspanner et al. disclose or suggest this combination of steps.

For the reasons noted, Applicant submits that the claims as now presented are patentable over the prior art and are in condition for immediate allowance. Favorable reconsideration by the Examiner and formal notification of the allowance of all claims are respectfully solicited.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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